

## **PLANNING BOARD**

## **PACKET OF MATERIALS**

## **MEETING November 15, 2017**

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☒ Agenda

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**Agenda  
Bar Harbor Planning Board  
Wednesday, November 15, 2017  
Council Chambers- Municipal Building  
93 Cottage Street  
6:00 P.M.**

- I. CALL TO ORDER**
- II. ADOPTION OF THE AGENDA**
- III. EXCUSED ABSENCES**
- IV. APPROVAL OF MINUTES**
  - a. November 1, 2017**
- V. REGULAR BUSINESS**
  - a. Dormitory Use (Draft dated November 1, 2017)**
- VI. OTHER BUSINESS**
  - a. Pending Applications (none)**
  - b. Review and possible adoption of the 2018 Calendar**
  - c. Discussion of where to add “public comment” to the agendas**
- VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- VIII. ADJOURNMENT**

**Minutes  
Bar Harbor Planning Board  
Wednesday, November 1, 2017  
Council Chambers- Municipal Building  
93 Cottage Street  
6:00 P.M.**

**I. CALL TO ORDER**

*The Chair called the meeting to order at 6:00 PM. Members present: Tom St. Germain, Chair; John Fitzpatrick, Member; Basil Eleftheriou, Jr., Secretary; Mr. Alf Anderson, Member; and Joseph Cough, Vice Chair.*

*Also present: Angela Chamberlain, Code Enforcement Officer & Interim Planning Director.*

**II. ADOPTION OF THE AGENDA**

*Mr. Cough moved to adopt the agenda with the addition of item Vb.i. "Planning Board dialogue with larger employees.". Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.*

**III. EXCUSED ABSENCES**

*There were none.*

**IV. APPROVAL OF MINUTES**

**October 18, 2017**

*Mr. Fitzpatrick moved to approve the minutes of the October 18, 2017 meeting as prepared. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.*

**October 18, 2017 Workshop Meeting**

*Mr. Fitzpatrick moved to approve the minutes of the October 18, 2017 workshop meeting as prepared. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.*

**V. REGULAR BUSINESS**

**a. Public Hearing – Zoning District Boundary Line Relocation – LU-2017-01**

**Project Location:** 21 Federal Street Bar Harbor Tax Map 104, Lot 081-000

**Applicant:** Marc and Marion Fine

**Application:** The applicant is proposing to relocate the district boundary of the Downtown Village II district to include 21 Federal Street which is currently in the Downtown Residential district.

*Mr. Cough and Mr. Eleftheriou, Jr. were both recused from the agenda item because they were noticed abutters and they left the room.*

*Mr. Fine spoke and explained that the veterinary business had existed in that location for 50 years and he thought it was not correctly reflected as such in the comprehensive plan which was why it was included in the residential district rather than the neighboring business district.*

*The Chair opened the hearing up for public comment.*

*Mr. John Colburn introduced himself and stated that while he had no objection to the veterinary clinic, he was curious why the applicant was seeking the change now. Mr. Fine offered to address that question. He explained that he knew the risk he was taking when he purchased the property as a nonconforming use, and overall he was glad he did, but now he is getting older and needs to look to the future and consider plans for his own retirement or maybe a shared partnership at some point in time. Ms. Fine added that she thinks the community is well served by their business and it is a use that is needed.*

*Another abutter asked what the time frame was for losing a nonconforming protection. The Code Enforcement Officer stated that it was 12 months.*

*The Chair closed the public hearing.*

*Mr. Fitzpatrick asked how this change would preserve, enhance and protect the character of the town. The applicant answered that this would ensure that the much needed community service would be allowed to continue.*

*Mr. Fitzpatrick noted that he did not see "veterinary clinic" as an allowed use in the Downtown Village II district. It was agreed that it was not listed as an allowed use so this change as proposed would not allow the use as a permitted use. The Board suggested that the applicant meet with staff to discuss other ways to amend the ordinance to ensure that they were asking for a change that would help them.*

*Mr. Anderson moved to table the application. Mr. St. Germain seconded the motion and the Board voted 3-0 to approve the motion.*

*Mr. Cough and Mr. Eleftheriou, Jr. returned to the meeting.*

#### **b. Dormitory Use (Draft dated October 19, 2017)**

##### **b.i. Planning Board dialogue with larger employees**

*The Chair explained that the Board was seeking input from some of the largest employers in Bar Harbor on their thoughts on dormitory use. He added that they might have ideas or comments on housing, location, parking, etc. and the Board wanted to hear feedback.*

*Millard Dority from College of the Atlantic spoke and asked if there was any draft language that people could start looking at. Mr. St. Germain noted that there was a draft definition and some basic standards proposed as starting points. Mr. Eleftheriou, Jr. read the draft the Board was working on.*

*Joanne Harris from the Mount Desert Island Hospital explained that her organization owned motel properties that they used to house some of their short term employees but they were subpar and in*

*need of updating. She said that dormitories are not really the type of housing they were really looking for. She said that there was a dire need for year round housing and she added that she serves as a board member of the Island Housing Trust and understands many of the issues. She said that incentives need to be given in return for year round work force housing.*

*Mr. Cough asked if she had any thoughts on the eviction process and whether or not that plays a role in why people chose not to rent long term. Ms. Harris said that she was not sure on that issue.*

*Mr. John Kelly from Acadia National Park spoke and said that the Park employs 90 permanent employees and has 150-160 seasonals. He detailed where all their housing was and when it was available. Mr. Kelly also added that it would be helpful if dormitories are located in places served by the Island Explorer.*

*Mr. Dority explained that their campus has the capacity to provide housing for 148 to 155 students. He added that they were currently working on a new campus plan and housing is being looked at. He noted that students are able to find rentals in the winter but there is always a lapse in when the school season begins and when the rentals are available so many students find other options like "couch surfing", and sleeping in their cars. He said that the lack of year round housing and the price to purchase those homes are both contributing factors to the housing issues.*

*Mr. Eben Salvatore from Ocean Properties spoke and said that the Board needed to think about how property owners would retrofit existing buildings to be used as dormitories because that was more likely to happen than an owner constructing a brand new building for dorm use. He said being on town water was important for sprinkler systems and there should be square foot per person requirement to provide comfort and space to tenants. He noted that he would be willing to get rid of some properties if dormitory housing could be built, but they were not likely to build on the same site as their hotels. He added that being within walking and biking distance to the employer was important.*

*Mr. Fitzpatrick asked how their housing was supervised and Mr. Salvatore explained that there were housing managers, van drivers, and security personnel. He offered that not providing congregate areas was crucial to keeping the noise down, and to prohibit people from congregating and forming gatherings. He said they did not allow grills, no unregistered guests; there were quiet hours, and have communal kitchens.*

*Alison from Island Housing Trust also spoke and said that her institution's main focus was on year round housing and home ownership. She added that dorm housing was not going to address year round housing issues.*

*Alicia from Hannaford noted that her company does not own any property or housing but has rented a home in the past to help house employees from May to October. She said that Hannaford employs around 50 seasonal employees and 83 employees in the off-season.*

**c. Draft Warrant Article- Adoption of Statewide Timber Harvesting Provision - Land Use Ordinance.**

**d. Draft Warrant Article – Integration of Appendix C and Neighborhood District maps into Article III - Land Use Ordinance**

**e. Draft Warrant Article - Shoreland Zoning Corrections Required by Maine Department of Environmental Protection (Draft dated October 19, 2017)**

*Ms. Chamberlain gave the Board two timeline options for the amendment process for the June 2018 election. It was the consensus of the Board that they wanted to get started on the process as soon as possible rather than waiting.*

*Mr. Cough moved to schedule the public hearing for the three Land Use Ordinance amendments for December 20, 2017. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.*

**VI. OTHER BUSINESS**

**a. Pending Applications (none)**

**VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

*Mr. Cough informed the Board that he felt the joint workshop with the Warrant Committee was productive and hoped that they would be able to meet again in the same manner in the future on other amendments.*

**VIII. ADJOURNMENT**

*Mr. Fitzpatrick moved to adjourn at 8:27 PM. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.*

***Signed as approved:***

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**Basil Eleftheriou, Jr., Secretary  
Planning Board, Town of Bar Harbor**

**Date**

# Order

## Of the Bar Harbor Town Council

### For the XXXXX Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**LAND USE ORDINANCE AMENDMENT: Dormitory** – Shall an Ordinance dated XXXX, 2017 and entitled “An amendment to add a Dormitory definition and standards, and to amend **Appendix C, the Table of Permitted Uses**” be enacted?

**Commented [A1]:** This will be changed to reflect the format of the LUO if the relocation of Appendix C passes.

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### Dormitory Ordinance

**An amendment to add a Dormitory definition and standards, and to amend **Appendix C, the Table of Permitted Uses**.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

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## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE XII Construction and Definitions

#### § 125-109 Definitions

**DORMITORY** – A building or space in a building in which group sleeping accommodations are provided for more than 5 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities.

**Commented [A2]:** Do you want to differentiate employee housing dorms from college dorms?

**Commented [A3]:** I changed the number to more than 5 to cover the gap between 5 and 16.

**§ 125-69 Standards for Particular Uses**

**125-69 W. Dormitories.** All dormitories shall meet the following standards:

- (1) Each dormitory shall provide one communal kitchen, which contains a kitchen sink and facilities for the preparation and cooking of food, for every X number of rooms.
- (2) Each dormitory shall provide one bathing facility, within the building being served, containing at least one bath or shower, one wash basin, and one toilet for every X occupants.
- (3) The maximum number of occupants originally approved in the application shall not be exceeded without approval from the jurisdiction having authority.
- (4) Dormitories are subject to the regulations contained in Chapter 64, Disorderly Houses, in the Bar Harbor Town Code.
- (5) An annual inspection of the dormitory shall be conducted during the months of July or August each year by the Fire Department and the Code Enforcement Division.
- (6) One parking space shall be required for every X bedrooms for dormitories located in all districts except Downtown Village I, Downtown Village II, Downtown Village Transitional, Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor, and Downtown Residential.
- (7) On site supervision....
- (8) Density Bonuses....

**Commented [A4]:** Thoughts on a number?

**Commented [A5]:** Thoughts on a number?

**Commented [A6]:** Basil mentioned this at one point. Is this something the Board would like to see?

**Commented [A7]:** Ignore the particular districts, these are random and will have to be changed but I am looking for a number on the parking question.

**Key to Appendix C**

**Permissibility of Use**

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**b =** Activity or structure requires approval through site plan review process before it may be commenced or built.

**c =** Activity or structure requires a permit issued by the Code Enforcement Officer (CEO) before it may be commenced or built.

**cu =** Activity or structure requires approval through conditional use review process before it may be commenced or built.



## Changes to Appendix C

**Commented [A8]:** Just a visual aid to use to determine what districts you want to allow the use in and what permitting authority for each district.

District	<u>Dormitory</u>
Bar Harbor Gateway	
Downtown Village I	
Downtown Village II	
Downtown Residential	
Educational Institution	
Emery	
Hulls Cove Business	
Hulls Cove Residential Corridor	
Hulls Cove Rural	
Indian Point Residential	
Indian Point Rural	
Industrial	
Ireson Hill Corridor	
Ireson Hill Residential	
Marine Research	
McFarland Hill Residential	
McFarland Hill Rural	
Mount Desert Street Corridor	
Otter Creek	
Resource Protection	
Salisbury Cove Corridor	
Salisbury Cove Residential	
Salisbury Cove Rural	
Salisbury Cove Village	
Schooner Head	
Scientific Research	
Shoreland General Development I	
Shoreland General Development II	
Shoreland General Development III	
Shoreland General Development IV	
Shoreland Limited Residential	
Shoreland Maritime	
Stream Protection	
Town Hill Business	
Town Hill Residential Corridor	
Town Hill Residential	
Town Hill Rural	
Village Historic	

Draft Version 11/01/17

Village Residential	
Village Transitional	

**Effective Date.**

This ordinance shall become effective on XXXXX, 2018

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**EXPLANATION:**

To address overcrowding and safety concerns, this proposed ordinance would regulate housing for employees, and other individuals housed in a group setting. Noise issues would continue to be regulated under the Town's Noise Ordinance and Disorderly House Ordinance.

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Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 201.

**Municipal Officers of the Town of Bar Harbor**

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## 2018 PLANNING BOARD MEETINGS

MEETING DATE	DEADLINE FOR NEW APPLICATION
JAN 3	DEC 20
JAN 17	JAN 3
FEB 7	JAN 17
FEB 21	FEB 7
MAR 7	FEB 21
MAR 21	MAR 7
APR 4	MAR 21
APR 18	APR 4
MAY 2	APR 18
MAY 16	MAY 2
JUN 6	MAY 16
JUN 20	JUN 6
★ JUL 4** <i>Holiday</i>	JUN 20
JUL 18 *	JUL 4
AUG 1 *	JUL 18
AUG 15 *	AUG 1
SEP 5 *	AUG 15
SEP 19 *	SEP 5
OCT 3 *	SEP 19
OCT 17 *	OCT 3
NOV 7	OCT 17
NOV 21	NOV 7
DEC 5	NOV 21
DEC 19	DEC 5

Planning Board meets the 1st and 3rd Wednesday of each month at 6:00 pm unless otherwise scheduled

\* The Planning Board will meet at 4:00 pm on these dates

# Memo

**To:** All Committee, Board or Task Force Members  
**From:** Cornell Knight, Town Manager  
**Cc:** Town Council and Dept. Heads  
**Date:** November 3, 2017  
**Re:** Agendas – Public Comment

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The Town Council recently voted to request that all town committees have a time set aside for public comment. The comment period can be at the beginning or end of the meeting, it is up to each committee to decide where it is on the agenda. The Town Council is embarking on a civility program that includes more citizen participation and an opportunity to allow public comments at meetings is part of that effort.

Call me with any questions.

288-4098 or  
[cknight@barharbormaine.gov](mailto:cknight@barharbormaine.gov)